

Written Testimony

Presented To: Senate Judiciary Committee

By: Suzanne Daniell, M.D.

March 19, 2009

Re: HB362

Mr. Chairman and Members of the Committee, thank you for the opportunity to present testimony regarding HB362. I am a board certified internist and partner at Glacier Medical Associates, Whitefish, MT, where I practice medicine full time. I am also a hospitalist at North Valley Hospital, Whitefish, and serve on the hospital's Medical Executive Committee as well as on its Board of Directors. Unfortunately I am unable to be in Helena to testify in person on this date.

I strongly urge your support of HB362. The lessons from Hurricane Katrina have poignantly illustrated the need for legislation protecting those health care workers faced with the impossible task of caring for too many victims with too little resources. Many of us in the health care profession watched with horror as the aftermath of Katrina unfolded; and later added disbelief to that horror as litigation occurred condemning care given under those extreme circumstances. Imagine yourself being the first on the scene of a terrible car wreck. You are alone, and you have 10 victims that require immediate lifesaving treatment. Even if you are trained in CPR and first aid, even if you carry in your car a basic first aid kit, no matter how desperately you want to care completely for each victim, it will be impossible under the circumstances. Now imagine being sued for your failure to care adequately for all victims.

I believe most health care workers assumed that in responding to extraordinary circumstances, such as Katrina, that they would have immunity to outcomes beyond their control. Painfully, we have learned that this is not true. I am concerned that the lack of legislative immunity in circumstances that meet the criteria set forth in HB362 would result in a significant reduction in the number of health care workers willing to put themselves and their families at risk by responding to a disaster.

Potential disasters take many forms. We have recent examples of weather and earthquake related events, terrorist attacks, and experts widely agree that we can expect, at some point in the near future, an infectious disease pandemic. While we cannot predict the timing, or location of disasters, we know from history that they will occur. As we plan for these circumstances, it is vital that health care workers be granted immunity while responding to catastrophic events. They must be protected from litigation which seeks to punish perceived lack of care stemming from lack of resources and/or extreme circumstances. Your support for HB362 will help ensure the best medical care for the most victims in the event circumstances require disaster medicine.